

REMARKS

In accordance with the foregoing, claims 1, 13, 16, 23, 24 and 26 have been amended, and claims 11, 12, 21, and 25 have been cancelled without prejudice or disclaimer. Claims 1-3 and 8-10, 13-20, 22-24, and 26 are pending and under consideration. No new matter is presented in this Amendment.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because it is believed that the amendment of claims 1, 16, 23, 24 and 26 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTIONS UNDER 35 U.S.C. §112:

On pages 2-3 of the Office Action, the Examiner rejects claims 23 and 24 under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is respectfully traversed and reconsideration is requested.

In view of claims 23 and 24 as presented herein, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

REJECTIONS UNDER 35 U.S.C. §102:

On pages 3-5 of the Office Action, the Examiner rejects claims 1, 2, 8-11 and 15 under 35 U.S.C. §102(e) as being anticipated by Ichihara (U.S. Patent No. 6,396,792). The rejection is respectfully traversed and reconsideration is requested.

As a point of clarification, claim 11 has been cancelled without prejudice or disclaimer. As such, it is respectfully submitted that the rejection is moot.

Additionally, while applicants do not necessarily agree with the Examiner's interpretation of Ichihara, claim 1 has been amended to incorporate the features of objected-to claim 12. As such, it is respectfully submitted that claim 1 is allowable over Ichihara for at least the reasons

acknowledged by the Examiner on pages 6-8 of the Office Action.

Claims 2, 8-10, and 15 are deemed patentable due at least to their depending from claim 1.

REJECTIONS UNDER 35 U.S.C. §103:

On page 6 of the Office Action, the Examiner rejects claim 3 under 35 U.S.C. §103(a) in view of Ichihara and the Examiner's taking Official Notice. The rejection is respectfully traversed and reconsideration is requested.

Even assuming the Examiner's taking Official Notice is correct and that there is a motivation to make the combination, the Examiner does not rely on the Official Notice as curing the above noted defects of Ichihara as applied to claim 1, from which claim 3 depends. As such, it is respectfully submitted that the combination does not disclose the invention as set forth in claim 3.

ALLOWABLE SUBJECT MATTER:

On pages 6-8 of the Office Action, the Examiner allows claim 26, and objects to claims 12-14, 16-22 and 25 as being dependent upon a rejected base claim.

Claim 26 has been amended to clarify the existing features as would have been understood by one of ordinary skill in the art. Further claim 12 has been cancelled and incorporated into claim 1 such that the objection to claim 12 is moot, and claim 1 is in condition for allowance. Claim 16 has been made independent, and to further clarify the features of claim as would be understood by one of ordinary skill in the art. Claims 21 and 25 have been cancelled without prejudice or disclaimer. As such, it is respectfully requested that the outstanding objections be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

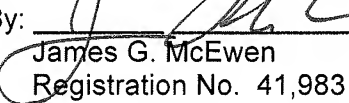
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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